
SENATE BILL 6788

State of Washington 60th Legislature 2008 Regular Session

By Senators Keiser, Brandland, Fairley, and Honeyford

Read first time 01/24/08. Referred to Committee on Ways & Means.

1 AN ACT Relating to extraordinary medical expenses of offenders;
2 amending RCW 2.70.020 and 43.08.250; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that local governments
5 experience hardships in financing the cost of catastrophic medical
6 expenses of incarcerated individuals. Additionally, the legislature
7 finds that most of these costs are unavoidable, given mandatory minimum
8 penalties that local governments must comply with in housing
9 incarcerated individuals. It is the intent of the legislature to
10 provide some assistance to local jurisdictions that experience extreme
11 medical expenses that exceed ten thousand dollars per individual
12 offender per calendar year.

13 **Sec. 2.** RCW 2.70.020 and 1996 c 221 s 3 are each amended to read
14 as follows:

15 The director, under the supervision and direction of the advisory
16 committee, shall:

17 (1) Administer all criminal appellate indigent defense services;

1 (2) Submit a biennial budget for all costs related to state
2 appellate indigent defense;

3 (3) Establish administrative procedures, standards, and guidelines
4 for the program including a cost-efficient system that provides for
5 recovery of costs;

6 (4) Recommend criteria and standards for determining and verifying
7 indigency. In recommending criteria for determining indigency, the
8 director shall compile and review the indigency standards used by other
9 state agencies and shall periodically submit the compilation and report
10 to the legislature on the appropriateness and consistency of such
11 standards;

12 (5) Collect information regarding indigency cases funded by the
13 state and report annually to the legislature and the supreme court;

14 (6) Coordinate with the supreme court and the judges of each
15 division of the court of appeals to determine how attorney services
16 should be provided;

17 (7) Administer a program for local jurisdiction assistance with
18 extraordinary medical expenses. Reimbursement shall be made to the
19 jurisdiction that is ultimately financially responsible for the medical
20 bills.

21 (a) To be eligible for the assistance, a city or county must submit
22 actual copies of its bills, protected for patient confidentiality, to
23 the office of public defense no later than ninety days following the
24 end of each calendar year. The total costs for an individual offender
25 during the calendar year must exceed ten thousand dollars in order for
26 the jurisdiction to qualify for assistance.

27 (b) Reimbursement rates will follow the medicaid reimbursement
28 rate, regardless of the rate at which the city or county was billed.
29 If the appropriation is not enough to provide assistance for all
30 applications, assistance shall be provided on a proportional basis,
31 linking the proportion of the aggregate requests in relation to the
32 proportion of the total funding available.

33 (c) The director may seek assistance in reviewing the extraordinary
34 medical expenses from the health care authority and the department of
35 corrections.

36 The office of public defense shall not provide direct
37 representation of clients.

1 **Sec. 3.** RCW 43.08.250 and 2007 c 522 s 950 are each amended to
2 read as follows:

3 (1) The money received by the state treasurer from fees, fines,
4 forfeitures, penalties, reimbursements or assessments by any court
5 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
6 deposited in the public safety and education account which is hereby
7 created in the state treasury. The legislature shall appropriate the
8 funds in the account to promote traffic safety education, highway
9 safety, criminal justice training, crime victims' compensation,
10 judicial education, the judicial information system, civil
11 representation of indigent persons under RCW 2.53.030, winter
12 recreation parking, drug court operations, and state game programs.
13 Through the fiscal biennium ending June 30, 2009, the legislature may
14 appropriate moneys from the public safety and education account for
15 purposes of appellate indigent defense and other operations of the
16 office of public defense, the criminal litigation unit of the attorney
17 general's office, the treatment alternatives to street crimes program,
18 crime victims advocacy programs, justice information network
19 telecommunication planning, treatment for supplemental security income
20 clients, sexual assault treatment, operations of the administrative
21 office of the courts, security in the common schools, alternative
22 school start-up grants, programs for disruptive students, criminal
23 justice data collection, Washington state patrol criminal justice
24 activities, drug court operations, unified family courts, local court
25 backlog assistance, financial assistance to local jurisdictions for
26 extraordinary costs incurred in the adjudication of criminal cases,
27 financial assistance to local jurisdictions for extraordinary costs
28 incurred for prisoner medical expenses, domestic violence treatment and
29 related services, the department of corrections' costs in implementing
30 chapter 196, Laws of 1999, reimbursement of local governments for costs
31 associated with implementing criminal and civil justice legislation,
32 the replacement of the department of corrections' offender-based
33 tracking system, secure and semi-secure crisis residential centers,
34 HOPE beds, the family policy council and community public health and
35 safety networks, the street youth program, public notification about
36 registered sex offenders, and narcotics or methamphetamine-related
37 enforcement, education, training, and drug and alcohol treatment
38 services.

1 (2)(a) The equal justice subaccount is created as a subaccount of
2 the public safety and education account. The money received by the
3 state treasurer from the increase in fees imposed by sections 9, 10,
4 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in
5 the equal justice subaccount and shall be appropriated only for:

6 (i) Criminal indigent defense assistance and enhancement at the
7 trial court level, including a criminal indigent defense pilot program;

8 (ii) Representation of parents in dependency and termination
9 proceedings;

10 (iii) Civil legal representation of indigent persons; and

11 (iv) Contribution to district court judges' salaries and to
12 eligible elected municipal court judges' salaries.

13 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-five
14 percent of revenues to the equal justice subaccount, less one million
15 dollars, shall be appropriated from the equal justice subaccount to the
16 administrator for the courts for purposes of (a)(iv) of this
17 subsection. For the 2007-09 fiscal biennium and subsequent fiscal
18 biennia, an amount equal to fifty percent of revenues to the equal
19 justice subaccount shall be appropriated from the equal justice
20 subaccount to the administrator for the courts for the purposes of
21 (a)(iv) of this subsection.

22 (3) The excessive medical expenses subaccount is created as a
23 subaccount of the public safety and education account. An amount equal
24 to three million dollars shall be appropriated each biennium to the
25 office of public defense to provide assistance to local jurisdictions
26 for extraordinary costs incurred for prisoner medical expenses. Fifty
27 percent of the assistance will be provided to cities and fifty percent
28 to counties consistent with the requirements in section 1 of this act.

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